

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

JARRETT PAYNE, et al,

Plaintiffs,

20 Civ. 8924 (CM) (GWG)

-against-

MAYOR BILL DE BLASIO, et al,

Defendants.

x

SAMIRA SIERRA, et al, individually and on
behalf of all others similarly situated,

Plaintiffs,

20 Civ. 10291 (CM) (GWG)

-against-

CITY OF NEW YORK, et al,

Defendants.

x

CHARLES HENRY WOOD,

Plaintiff,

20 Civ. 10541 (CM) (GWG)

-against-

CITY OF NEW YORK, et al,

Defendants.

x

PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

21 Civ. 322 (CM) (GWG)

-against-

CITY OF NEW YORK, et al,
Defendants.

ADAMA SOW, et al, individually and on behalf
of all others similarly situated,

Plaintiffs,

21 Civ. 533 (CM) (GWG)

-against-

CITY OF NEW YORK, et al,
Defendants.

X

ORDER

McMahon, C.J.:

Following an initial pre-trial conference in these five related cases, the court enters the following:

1. The five related cases listed above are hereby consolidated for pretrial purposes. All filings will be made under the following caption:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

In Re: New York City Policing During Summer 2020
Demonstrations

20 Civ. 8924 (CM)(GWG)

x

This filing is related to

ALL CASES or
NAME OF CASE(S)

x

All filings must be made under Docket No. 20 Civ. 8924, which is the lowest-numbered case.

2. The Defendants must provide a written notice to all Plaintiffs identifying any deficiencies they perceive in the *Monell* claims as presently pleaded by close of business on Friday, February 26, 2021.

3. Any amended complaint must be filed by close of business on March 5, 2021.

4. The court has been advised that two parties are considering filing motions for leave to intervene. Any motion for leave to intervene, by any party, must be filed by March 3, 2021; responses due March 19, 2021; replies due March 26, 2021. Proposed intervenors will not participate in discovery until the motions for leave to intervene are decided. If those motions are made and granted, intervenors will have access to discovery as Judge Gorenstein deems appropriate.

5. On October 26, 2020 Towaki Komatsu, appearing *pro se*, filed a letter asking for leave to intervene in *Payne v. de Blasio, et al*, No. 20-cv-8924 (Dkt. No. 11). The court interprets that letter as a motion for leave to intervene. The Defendants and the *Payne* Plaintiffs shall respond according to the above schedule for motions for leave to intervene.

6. Motions to dismiss the complaints must be filed by close of business on March 26, 2021. Responsive papers are due April 16, 2021. Replies are due April 30, 2021. No sur-replies will be accepted; any issue that is raised for the first time in reply will not be considered.

7. The court suspends its usual local rule requiring that any motion to dismiss on qualified immunity grounds be filed within thirty days.

8. The case is referred to The Hon. Gabriel W. Gorenstein for all pre-trial supervision other than the motions to dismiss and for leave to intervene. Discovery will begin immediately and will not be stayed pending decision on any motions to dismiss. All discovery must be completed by December 31, 2021. If it is necessary to shorten periods for responding to discovery requests in order to meet this deadline, that should be done.

9. “All discovery” means ALL discovery, including expert discovery, individual discovery and *Monell* discovery. Potential class plaintiffs should be deposed by July 1, 2021, so that class certification motions can be made no later than September 10, 2021. Experts must be designated by July 1, 2021; expert reports must be exchanged by September 1, 2021; expert depositions must be completed by the discovery deadline. Within these parameters, Judge Gorenstein will set all deadlines, direct all activity and superintend and rule on all disputes.

10. Any party who anticipates making a motion for summary judgment must notify the court by November 15, 2021.

Dated: February 22, 2021

A handwritten signature in black ink, appearing to read "Colleen M. Kelly", written over a horizontal line.

Chief Judge

BY ECF TO ALL PARTIES AND COUNSEL